

EXHIBIT D

U.S. DEPARTMENT OF LABOR

John M. Barnett,

) CASE NO.: 4-0520-17-015

Complainant,

v.

) **AFFIDAVIT OF CYNTHIA KITCHENS**

The Boeing Company,

Respondent.

PERSONALLY APPEARED before me, Cynthia Kitchens, who being duly sworn deposes and says:

1. I live at [REDACTED] and I am over the age of 18 years old.

2. I was hired at the North Charleston, South Carolina Boeing facility as a Product Quality Manager K from November 16, 2009 until June 30, 2016, when I was forced to resign due to the hostile work environment.

3. My educational background includes the Technology National Aviation Academy, Specialized Associates of Science Aviation Maintenance, and FAA Accountable Manager for 145 Repair Station. I have held my Airframe License since September 2000 and my Powerplant License since September 2000. I currently hold an FCC Element I and an FAA Inspection Authorization which I received in March 2006. I also hold FAA Technical Personnel Examiner DME [REDACTED], Manager/Supervisor Training December-2006/Boeing Manager Training-2010, Boeing Inside Out Training 2015 (Executive Leadership Program 2014), Executive Leadership Coaching 2015 and Lycoming Engine Service Factory School January of 2007.

4. During my assignment to the 787 BSC-Mid Assembly Quality Department at Boeing's North Charleston Facility, I observed numerous quality, development and assembly issues, including, but not limited to: metal shavings (FOD) in the wiring bundles from the suppliers being installed on aircraft, with knowledge; instructions from management to make repairs without the required documentation and engineering dispositions; the voiding of non-conformances in order to meet production schedule by senior managers; installing of damaged and/or non-conforming parts onto the aircraft at the direction of senior managers; individuals being told by senior management to not find or write non-conformances; individuals being instructed to write pick-ups, instead of non-conformances, in order to meet production deadlines. The pick-ups were not associated with any aircraft for the purpose of avoiding a document trail and further association with work on a particular aircraft. Additionally, the pick-ups were destroyed on a regular basis to prevent any paper trail. Furthermore, tools were improperly calibrated for work on certain jobs, and lost on a regular and routine basis. I also observed the failure to follow the ISO9001 building guidelines of the aircraft certification; failure of employees to log into Velocity to make an accurate build record of the aircraft (employees were having other employees signing in to do the work on

their behalf, in violation of FAA regulations) and serious safety issues involving use of improper lubricant on the jackscrew fittings on numerous 787 aircraft. All the above-mentioned observations were submitted in a 2011 complaint to the USDOTOIG. *See* Exhibit A with photographs.

5. In 2011, I made an ethics complaint against a co-manager [REDACTED] where I addressed several issues about [REDACTED] and his aggressive behavior towards employees and others. Consequently, a week later [REDACTED] physically assaulted and battered me on the plant floor. [REDACTED] charged me on the plant floor and shoved and pinned me with his forearm and elbow up against a metal railing, he placed his face inches from my face, raised his other hand, and shoved his pointed finger into my face, screaming that "I needed to learn to get on the good old boy system or I will go nowhere in the company." [REDACTED] was also upset that I checked out Boeing issued cameras that I was using to photograph and document defects of [REDACTED] and his crew's work that I had previously complained about. Immediately after, alarmingly [REDACTED] warned me that I could go to jail or sued for using cameras that were otherwise provided by Boeing for the purpose of documenting such defects.

6. Shortly after the Boeing assault and battery, another witness of the assault complained to Corporate Ethics about the incident. Instead of Boeing reporting his conduct to outside law enforcement, [REDACTED] was promoted as my direct supervisor. Following the incident, my complaint was taken up with the Corporate Ethics Department, wherein Ethics was made aware of the incident. When I inquired to the Corporate Office as to [REDACTED]'s promotion despite the incident, Corporate Ethics responded that "the selection process of promotion does not require approval or any feedback from Ethics. Most individuals on the selection team were probably unaware of any prior issues with this individual." *See* Attached as Exhibit B. Instead of disciplining [REDACTED] in any fashion, Boeing promoted him as my direct line supervisor and sent a company wide email (including to me) congratulating [REDACTED] and commending "his demonstrated leadership has proven to be of great value to our operations" and further commending [REDACTED]'s "leadership style." *See* Attached as Exhibit C.

7. Moreover, [REDACTED] stated in an email to me that the incident was a "beautiful story." *See* Attached as Exhibit D.

8. In 2012, my performance evaluation scores were generally reduced in retaliation for reporting my supervisor for inappropriate remarks in the workplace, and for reporting unprofessional behavior of other senior managers.

9. The following year I was diagnosed with cancer. I underwent extensive treatment and was out of work. Prior to going out of work, I had a score of 19 on my evaluation. While I was out of work receiving treatment, my supervisor reduced my evaluation to a score of 14. I was never told that my score was being lowered. As a result of my score being reduced, I was removed from the leadership program that I was enrolled in. Later on, my supervisor forged my signature on my evaluation to falsely indicate that I reviewed the evaluation and adhered to the results.

10. During the year 2015, I applied for 14 different positions and, despite being qualified for all of them, I was not selected for any of the positions.

11. The hostile work environment at Boeing Commercial Airplanes caused me a high level of stress and impacted my ability to [REDACTED] while at work. The daily stress that I had accumulated caused my doctor to put me on leave for two weeks, and soon thereafter I started seeing a cardiologist.

12. During my employment, my colleagues scored me the highest of any manager at the North Charleston Boeing Site. I was told by [REDACTED] who was E level management, that he was impressed by my scores from the employees on my performance. However, after being diagnosed with cancer, my scores lowered, and I believe the reason behind it was that they were trying to get rid of me in retaliation for my safety complaints. The scores of 15 and 16 were false.

13. I strongly believe the retaliation was caused by my decision to report very serious safety concerns to the FAA/USDOTOIG.

14. The North Charleston Boeing Plant is a hostile work environment. By reporting the safety concerns to the FAA/USDOTOIG I engaged in protected conduct. I continually and repeatedly insisted that FAA regulations be followed. I faced a repetitive and systematic pattern of being requested to violate the law, ignore the law, or otherwise threatened with unwarranted discipline or placed on performance watch. When complaints were filed, I was advised that "I needed to get on board" and thus be silent about any issues I observed. As a condition of my employment, I was required to violate the law which in my opinion resulted in a *per se* hostile work environment.

Sworn to before me this 3 day
of ~~August~~, 2020. September


Cynthia Kitchens

Notary Public for [REDACTED]
My Commission Expires: _____

See attached State of [REDACTED]
Jurat Notary Certificate

V. Y

Document Name: AFFIDAVIT OF CYNTHIA KITCHENS

State of [REDACTED] **Jurat Notary Certificate**

STATE OF [REDACTED]

COUNTY OF [REDACTED]

Sworn to (or affirmed) and subscribed by personally appearing before me by physical presence this 03rd day of September, 2020, by, Cynthia Kitchens.



A handwritten signature in cursive script, appearing to read "Veronika Yegonyants".

(Signature of notary public)

Veronika Yegonyants
(Name of notary public)

My commission expires: July 28, 2023

Official Seal

Personally known

OR

Produced identification

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Type of identification produced: [REDACTED] driver license